

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERIC ROGERS,

Plaintiff,

-against-

FRENCHY COFFEE NYC LLC and 129-31  
EAST 102 STREET HOUSING  
DEVELOPMENT FUND CORPORATION,

Defendants.

USDC SDNY
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19-CV-9958 (VSB)

**ORDER**

X

VERNON S. BRODERICK, United States District Judge:

On October 19, 2021, I entered an order dismissing this action because Plaintiff failed to file proper papers seeking default judgment by the deadline I had previously set. (Doc. 21.) However, before my order could be entered, Plaintiff filed new papers seeking default judgment. (Docs. 17–20.)

Because Plaintiff failed to comply with the prior deadline, this case shall remain terminated. However, within 14 days of this order, Plaintiff may make an application to reopen this action. If Plaintiff chooses to do so, his application should explain why there is good cause within the meaning of Federal Rule of Civil Procedure 6(b) to disregard the deadline set in my previous order. Further, the application must address why Plaintiff did not attempt to effect personal service on the Defendants given that Plaintiff pleads a known, local address for the Defendants as part of his Complaint. (*See* Doc. 1.) Particularly in light of the fact that Plaintiff's desired default judgment would order an inspection of Defendants' premises at said known address, (*see* Doc. 20), it seems that personal service of process should have been attempted under the circumstances of this case.

SO ORDERED.

Dated: October 19, 2021  
New York, New York

  
Vernon S. Broderick  
VERNON S. BRODERICK  
United States District Judge